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UNCLAS GUATEMALA 001530

SIPDIS

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SUBJECT: ELECTORAL TRIBUNAL UPHOLDS BAR AGAINST RIOS MONTT

REF: GUATEMALA 1479

¶1. (U) By a three to two vote on June 12 the Supreme Electoral Tribunal (TSE) upheld a ruling from the Registry of Citizens (reported RefTel) barring President of Congress Efrain Rios Montt from running for president. The ruling was based on Article 186 (a) of the Constitution. Rios Montt has announced he will appeal this ruling to the TSE, and if reaffirmed, to the Supreme Court. Constitutional experts estimate that the full appeal process including the Supreme and Constitutional Courts could take at least another month to complete.

¶2. (SBU) Before announcing the ruling, TSE President Oscar Bolanos privately expressed concern to us about recent threats to his family's security. He received a call on the eve of the ruling detailing all of his daughter's movements the day before. The Ambassador called Bolanos to express concern over the threats Bolanos has been receiving, and to tell him that we expedited a visa for Bolanos' daughter to travel to the U.S. on June 12.

¶3. (U) In another electoral development, Romeo Alvarado Polanco, one of five Constitutional Court magistrates who will ultimately have to rule on Rios Montt's eligibility to run, resigned on June 12. Alvarado had been appointed to the court by President Portillo and had voted in favor of several resolutions favoring views of the governing Guatemalan Republican Front (FRG), including the GOG's controversial Euro-bond issue. The President has constitutional authority to name a replacement for Alvarado. The other four Constitutional Court justices were selected by the Supreme Court, Congress, the High Council of the University of San Carlos, and the Bar Association, respectively.

Comment

¶4. (SBU) The TSE ruling bolsters the rule of law and took courage. The desertion from the Constitutional Court appears to reflect the opposite. His sudden departure will be read by most observers as indicating that pressure and threats, like those received by Bolanos, are starting to weigh on all those who have to decide this controversial case.

HAMILTON